

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:22-CV-15-FL**

ROBERT TERRACINO and
BRADIE TERRACINO,

Plaintiffs,

v.

TRIMACO, INC.,

Defendant.

**JOINT STATUS REPORT IN
ACCORDANCE WITH
THE COURT’S ORDER OF
MARCH 27, 2025**

Plaintiffs Robert Terracino and Bradie Terracino (“Terracinos” or “Plaintiffs”) and Defendant Trimaco, Inc. f/k/a Trimaco, LLC (“Defendant” or “Trimaco”), by and through the undersigned counsel, hereby submit this Joint Status Report in accordance with the Court’s Order of March 27, 2025 (Dkt. 122).

The parties have met and conferred pursuant to the Court’s instruction to discuss any remaining issues following the Court’s order granting Defendant’s motion for summary judgment of no infringement (Dkt. 96) and terminating as moot Plaintiffs’ Motion for an Extension of Time (Dkt. 102). The parties agree that no other issues on the merits remain in this case and that the Court may enter judgment in favor of Defendant, and against Plaintiffs. The parties acknowledge that, pursuant to Federal Rule of Civil Procedure 54(d), Trimaco has fourteen (14) days from the entry of judgment to seek attorneys’ fees pursuant to relevant statutory authority, and to otherwise seek costs. A judgment proposed by Trimaco is attached to this joint status report as Exhibit A.

With regards to the judgment proposed by Trimaco, the Plaintiffs disagree that each of Trimaco’s Counterclaims should be dismissed without prejudice and take the position that since Trimaco’s Counterclaim Count I is for Declaratory Judgment for Declaration of Noninfringement

of U.S. Patent No. 9,044,917 (the “’917 Patent”) and the Court has already ruled that the accused products do not infringe the ’917 Patent, that claim cannot be viable going forward and should be dismissed with prejudice. Plaintiffs take no position on how Trimaco’s Counterclaim Count II under 35 U.S.C. § 285 should be dismissed.

Respectfully submitted, this 10th day of April, 2025.

/s/ Duncan G. Byers

(signed with express permission)

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CERTIFICATE OF SERVICE

I hereby certify that on April 10, 2025, I electronically filed the foregoing *Joint Status Report* in Accordance with the Court's Order of March 27, 2025 with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

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